

| | |
|--------------------|----------|
| ITEM | 07 |
| MANAGER'S REPORT # | 15 |
| COUNCIL MEETING | 96/05/27 |

TO: CITY MANAGER

FROM: DIRECTOR PLANNING & BUILDING

SUBJECT: 8439 GOVERNMENT STREET
LOT 2 DL 58 PLAN NO. 7808

1996 MAY 01

PURPOSE: To have Council direct the Clerk to file a notice in the Land Title Office pursuant to Section 750.1 of the Municipal Act with respect to a property observed to be in contravention of municipal bylaws.

RECOMMENDATIONS:

1. THAT Council direct the Clerk to file a notice in the Land Title Office stating that:
 - (i) A resolution relating to the land at 8439 Government Street, Burnaby, B.C. has been made under Section 750.1 of the Municipal Act, and
 - (ii) Further information respecting the resolution may be inspected at the offices of the City Clerk, City of Burnaby.
2. THAT a copy of this report be sent to Landco Developments Ltd., #201-1437 Kingsway, Vancouver, B.C., V5N 2R6 and to Director/Officer G. Gujral and his wife K. Gujral at 8439 Government Street, Burnaby, B.C., V5A 2E5.

REPORT

1.0 SUMMARY

Mr. and Mrs. Gujral have been directed to correct objections associated with building permit B-77634 but have made no discernible progress since our building inspection conducted 1995 September 01. They have occupied their new single family dwelling prior to issuance of an occupancy permit and have shown no willingness to correct the outstanding deficiencies which would bring their property into compliance with Burnaby's Building Bylaws.

While it may be necessary to take some additional form of legal action to cause the property owner to comply with Burnaby's Bylaws a notice on title is appropriate at this time given that the situation does not present a threat to life safety.

The property has been listed for sale during the past few months. A notice on title would encourage the completion of necessary repairs while safeguarding Burnaby's liability and protecting potential third party purchasers. The filing of a notice can be done independently of any other legal action that the City may decide to take.

2.0 CONTRAVENTION OF BYLAWS

Pursuant to Section 5.(1)f of Burnaby Building Bylaw 1973, No. 6333, the owners of the subject property have occupied the premises contrary to directions given by the Building Department. In order to grant final approval for Building Permit B-77634, the following work must be done.

1. Ensure all risers on the front stairs are equal with a maximum deviation of +/- 1/4" and that none exceed 8".
2. Repair vinyl deck covering on roof deck over living area. The roof deck must slope to the deck drains and the deck drains must be cleared.
3. Install two security screws for each hinge on all exterior doors.
4. Weatherstrip attic access hatch.
5. Provide exterior landing and stair at kitchen door.
6. Fumeproof garage and adjust door closer.
7. Install waterproofing membrane on foam block foundation where missing or damaged.
8. Repair all broken rain water leaders. All rain water leaders must be connected.
9. Provide a continuous hand rail from top of stairs to patio at cellar entrance.

3.0 BACKGROUND

On 1993 October 26, Building Permit B-77634 was issued for the construction of a new single family dwelling.

On 1994 November 24 it was noted by Building Inspector, Mr. J. Gutenberg that the dwelling was occupied without subtrade or building final inspections. A notice was left with the owners requiring final inspections.

A letter dated 1994 November 28 was sent to the owners outlining the inspections required for issuance of an occupancy permit.

A progress inspection was attempted 1994 December 29 but no contact was made.

A letter dated 1995 January 04 was sent via CERTIFIED MAIL again outlining requirements for an occupancy permit but was returned unclaimed.

3.0 BACKGROUND (Cont'd)

Plumbing and gas permits were given final approval 1995 June 16. Electrical permits were given final approval 1995 August 24. A building final inspection was conducted at the same time however there were building objections which required correction and an occupancy permit could not be issued at that time.

A letter dated 1995 September 01 listing outstanding building objections was hand delivered to the property owners at 8439 Government St. and received by Mrs. Gujral.

On 1995 October 05, Mrs. Gujral requested an extension of time to complete the required repairs to 8439 Government. An additional property owned by Mr. and Mrs. Gujral located at 8160 Westlake also required repairs ordered by the City of Burnaby. Mr. and Mrs. Gujral asked that they be allowed to complete the Westlake property prior to addressing the necessary repairs at the Government property.

On 1995 November 23 a letter was hand delivered to 8439 Government Street. The letter confirmed that repairs to 8160 Westlake had been completed and that compliance for 8439 Government was now required by 1995 December 22.

At the time of letter delivery it was noted that the property was listed for sale with Rennie and Associates Realty. Both owner and realtor were notified by letter that the City of Burnaby required that all prospective purchasers of the property be made aware of the non-conforming status of the dwelling in accordance with the Real Estate Act of British Columbia.

Staff conducted a site visit on 1996 January 10. No contact was made with the owners and no visible progress had been made on outstanding objections. It was noted that the real estate listing was now with New Plan Realty. The realtor, Yvonne Chan, was notified by letter of disclosure requirements.

On 1996 February 02 a letter ordering final building inspection by 1996 February 16 was hand delivered to 8439 Government and received by Mrs. Gujral.

To date, Mr. and Mrs. Gujral have not contacted the Building Department to arrange a final building inspection for the outstanding building permit. The house is no longer listed for sale with New Plan Realty and we have no information at this date indicating a new realtor.

Mr. and Mrs. Gujral were notified in a letter dated 1996 March 18 that staff would seek a Council resolution to file a notice of building contravention in the Land Title Office.

4.0 CONCLUSION

The owners of 8439 Government Street have not completed the necessary repairs required by the Building Department in order to obtain an occupancy permit for their premises. They have not responded to letters or site visits and staff have not been able to contact them by telephone to ascertain a schedule of compliance with our requirements. The owners have been attempting to sell the property.

Staff will continue to work with the owners to bring the property into compliance with Burnaby's Building Bylaws. At the same time, a notice on title will alert any potential third party purchasers of outstanding objections and protect the City's liability. If the owner's cooperation is not forthcoming, further legal action will be considered.

The City Clerk, in keeping with Section 750.1 (2), will notify the property owners in order to provide them with the opportunity of appearing before Council to address the staff report.

The use of Section 750.1 of the Municipal Act to file notices in the Land Title Office is consistent with a Housing Committee Report adopted by Council on 1992 September 28.



D. G. STENSON, DIRECTOR
PLANNING AND BUILDING

LP:lb
d:\...8439govt.lp

cc: Chief Building Inspector
City Solicitor
Deputy Manager, Corporate Services